IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.653 of 2005
Date of Decision: 31.10.2006

Shobhna Goyal ...Petitioner

Versus

Vineet Goyal ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri IPS Doabia, Advocate, for the petitioner.

Shri G.S. Kaura, Advocate, for the respondent.

JUDGMENT

The challenge in the present revision petition is to the order passed passed by the learned trial Court on 20.10.2004, granting maintenance pendente lite @ Rs.7000/- per month and litigation expenses of Rs.11,000/- to the petitioner.

Learned counsel for the petitioner has vehemently argued that apart from the monthly salary of Rs.24,000/-, the respondent is getting about Rs.10,000/- per month as the benefits, such as house rent allowance, leave travel concession and medical allowance and, therefore, the amount of maintenance fixed by the learned trial Court, is inadequate.

The benefits sought to be taken into consideration are indirect benefits, which can not be taken into consideration, while determining the disposable income in the hands of the respondent-husband to determine the maintenance pendente lite. Rs.21,000/- per month is the salary of the respondent in terms of the salary slip produced on record i.e. after taking

into consideration statutory deduction on account of income tax. Keeping in view the said fact, the order passed by the learned trial Court granting Rs.7000/- p.m. as maintenance and Rs.11,000/- as litigation expenses, cannot be said to be suffering from any patent illegality or irregularity.

Learned counsel for the petitioner has further argued that the salary of Rs.21,000/- was the salary payable to the respondent in the month of July, 2004 and now the respondent is drawing higher salary. However, there is nothing on to the record to substantiate the said argument of the learned counsel for the petitioner. It is open to the petitioner to move an appropriate application before the learned trial Court for variation of the maintenance keeping in view income of the husband.

I do not find any ground to interfere with the impugned order passed by the learned trial Court. Hence, the present revision petition is dismissed.

31-10-2006 (HEMANT GUPTA)
ds JUDGE